UNITED STATES PATENT AND TRADEMARK OFFICE

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09/601,712	09/27/2000	Kenneth Austin	ROY-007	9535

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-32 and 36-47* is/are pending in the application.

    4a) Of the above claim(s) *36-39 and 47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-32 and 40-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

08/29/2008 has been entered.

Response to Arguments

Applicant's arguments filed 08/29/2008 with respect to claim 1 have been

considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 08/29/2008 with respect to claim 43 have been fully

considered but they are not persuasive.

On page 11, Applicant argues that the teachings in Yuen are essentially a table

of contents that does not disclose the display information includes a content-related

position indication comprising a visual content representation. In response, the

Examiner respectfully disagrees.

First of all, the table of contents in Yuen, for example as shown in Fig. 44 and

described in [0429] is a visual content representation because it is visually displayed

and it shows the contents recorded.

Secondly, this information includes a content-related position indication because

each of the programs shown is able to indicate a corresponding position that tells where

the program of the contents is located using indexing as described in [0207]. Since the

title information in Yuen can locate the program on the tape, the table of contents in

Yuen corresponds to the display information including a content-related position

indication comprising a visual content representation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yuen et al. (US 2003/0194200 A1).

Regarding claim 43, Yuen et al. disclose a graphical user interface adapted to

display information relating to source content, wherein said display information includes

a content-related position indication comprising a visual content representation ([0207];

RAM 33 disclosed in [0176]; [0427]; [0428]; [0454]; [0451]; [0449]; [0523]; [0524];

[0539]; [0540]; [0541]; also see "Response to Arguments" above).

Regarding claim 44, Yuen et al. also disclose said visual representation are

stored in memory, at least temporarily, to permit on screen display ([0207]; *RAM 33*

disclosed in [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 45, Yuen et al. also disclose the graphical user interface is adapted to display television program content information by category such as what is currently showing and/or what will be showing next and/or what is showing that day and/or what will be showing that week ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 46, Yuen et al. also disclose the claimed to filter said television program content by category of user preference such as channel number or type of television program or other category ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Claims 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US Patent 5,537,528).

Regarding claim 43, Takahashi et al. disclose a graphical user interface adapted to display information relating to source content (Fig. 15; Fig. 16; Fig. 17; Fig. 24; column 12, lines 39-49), wherein said display information includes a content-related position indication comprising a visual content representation (Fig. 15; Fig. 16; Fig. 17; Fig. 24; column 12, lines 39-49; column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40).

Regarding claim 44, Yuen et al. also disclose said visual representation are stored in memory, at least temporarily, to permit on screen display (column 12, lines 39-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-32, and 40-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yuen et al. (US 2003/0194200 A1) and Takahashi et al. (US

Patent 5,537,528).

Regarding claim 1, Yuen et al discloses a video storage media control system

(Fig. 1) comprising a control module operable to control a video media storage device

with a video output terminal (*microprocessor controller 31 and VCR control logic 21* of

Fig. 1; [0162]), a position determining module for determining video media position

([0021]; [0028]; and [0245], *which define a directory, and the marker is formed on the*

tape to uniquely identify the position of a current directory; [0747]-[0750], *wherein Yuen*

discloses details of the operations of Fig. I&81 to show the.analyzing function; [0341],

[0344], [0397], [0647], *wherein Yuen discloses where controller 31 uses a date-time*

stamp as the title in a directory, and timestamps are used to assign content-related

value to the contents indicative of the position of the contents on the tape); an

identifying module for identifying the contents of the video media and analyzing the

contents so as to assign a content-related value to the video contents, the content-

related value being indicative of the position of the video contents on the media ([0021];

[0028]; [0245]; [0257]; [0259]; [0260]); the determining module and the identifying

module being based on signals present on the video output terminal and the video

media position being determined by establishing a match or relationship using the

content-related value ([0257]; [0259]; [0260]).

However, Yuen et al. do not disclose an identifying module for identifying the

video contents of portions of the video media and analyzing the video contents so as to

assign a content-related value to the video contents, the content-related value being

indicative of the position of the video contents on the media, wherein the control module

controls the video storage media device based on comparison of signals present on the

video output terminal with the content-related value.

Takahashi et al. disclose an identifying module for identifying the video contents

of portions of the video media and analyzing the video contents so as to assign a

content-related value to the video contents (column 5, line 54 – column 6, line 12;

column 7, lines 45-55; column 10, lines 39-40), the content-related value being

indicative of the position of the video contents on the media (column 5, line 54 – column

6, line 12; column 7, lines 45-55; column 10, lines 39-40), wherein the control module

controls the video storage media device based on comparison of signals present on the

video output terminal with the content-related value (column 12, lines 39-44).

One of ordinary skill in the art at the time the invention was made would have

been motivated to incorporate the identifying module for identifying and analyzing the

video contents and controlling the video storage media device based on comparison of

signals disclosed by Takahashi et al. into the video storage media control system

disclosed by Yuen et al. in order to facilitate the editing process (Takahashi et al.,

column 4, lines 33-47).

Regarding claim 3, Yuen et al. also disclose the claimed that the video media

position is determined by establishing a match or relationship between a data sequence

or data value generated from contents of the media with data sequence or data value

generated from contents of the media with data sequences or a data value stored in the

memory for one or more video media to which data sequences or a data value

incorporate position related information ([0255]; [0257]).

Regarding claim 4, Yuen et al. also disclose a position locating module for

automatically controlling the video media storage device transport functions to locate a

desired position on the video media storage devices ([0207]).

Regarding claim 5, Yuen et al. also disclose the claimed that the video media

storage device is a tape storage device ([0207]).

Regarding claim 6, Yuen et al. also disclose wherein the determining module is

based on signals or data received from a tape reading means ([0255]; [0257]).

Regarding claim 7, Yuen et al. also disclose the claimed that control is instigated

using an infrared control signal ([0248]).

Regarding claim 8, Yuen et al. also disclose an encoding module for encoding

the data to be recorded on the tape at prescribed intervals ([0255]; [0257]).

Regarding claim 9, Yuen et al. also disclose the claimed that the data comprises

one or more of time code, frame number, total frames and session name ([0202]).

Regarding claim 10, Yuen et al. also disclose the claimed wherein the data is recorded in selected vertical blanking intervals ([0255]; [0257]).

Regarding claim 11, Yuen et al. also disclose the claimed that the tape is automatically repositioned to a selected desired position utilizing characterization data determined for the tape storage device ([0207]).

Regarding claim 12, Yuen et al. also disclose the claimed reading onto the tape an index of material recorded on the tape which provide readable information identifying the nature of the recorded material and its position on the tape ([0255]; [0257]).

Regarding claim 13, Yuen et al. also disclose the claimed that multiple file indexes are recorded on the tape, one after each recording session ([0259]; [0264]).

Regarding claim 14, Yuen et al. also disclose the claimed that the successive file indexes are cumulative ([0259]; [0264]).

Regarding claim 15, Yuen et al. also disclose the claimed memory module external to the tape for holding the content of at least one file index (*RAM 33 disclosed in* [0176]).

Regarding claim 16, Yuen et al. also disclose wherein signals received from a reading module are the video output signals of a video recorder which represent contents of the video media, be it the visible content, audio content or closed caption data or other signals recorded on the video media, and any of said contents are used to generate a data sequence or data value from which tape position is determined by comparing said data sequence or data value with data sequences or a data value stored in memory ([0207]; [0259]; [0264]).

Regarding claim 17, Yuen et al. also disclose the claimed that the data sequence or data value for a plurality of video media are stored in memory (*RAM 33 disclosed in* [0176]).

Regarding claim 18, Yuen et al. also disclose the claimed that at least some &the data sequences of the data value stored in memory have appended thereto data which facilitates reproduction of the image of at least one frame of the sequence (*RAM 33 disclosed in* [0176]. *Please note that* [0176] *describes the memory structure of the RAM 33, which, for example, includes* [0178]. *In* [0178], *Yuen et al. disclose area 1010 which stores a CDTL pointer 1019 pointing to a CDTL buffer 1024 which stores channel-date-time-length (CDTL) data of future recordings. The CDTL data facilitates reproduction of the programs or sequences, which sequences or programs are stored in tape 42*).

Regarding claim 19, Yuen et al. also disclose the claimed that the memory contains stored images of a plurality of frames taken at intervals along the video media (*RAM 33 disclosed in* [0176]).

Regarding claim 20, Yuen et al. also disclose a command sending module for sending commands to the control module to instigate positioning of the video media at a desired position, and wherein the desired position is arrived at automatically by reading the video media to obtain position information by establishing a match or relationship between a data sequence or data value generated from contents of the media with data sequences or data vale stored in the memory for one or more video media, which data sequences or a data value incorporate related information and changing the position of

the video media until the desired position has been obtained ([0207]; *RAM 33 disclosed in* [0176]).

Regarding claim 21, Yuen et al. also disclose a command sending module for sending commands to the control module to instigate positioning of the video media at a desired position, which position is selected from an on screen display, which display comprises one or more screen images of the contents of the video media and wherein the desired position is arrived at automatically by reading the video media to obtain position information, directly or indirectly, and changing the position of the video media until the desired position has been obtained ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 22, Yuen et al. also disclose the contents are stored in electronic memory or on video storage media, be it magnetic or optical, the index comprising a plurality of images corresponding to each of the contents of the video storage medium at different positions thereof and wherein the index is adapted to be read and displayed on a television screen, enabling the selection of one or more of a plurality of scenes of the recorded content ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 23, Yuen et al. also disclose selection of the material to be recorded is selected from an electronic programming guide ([0423]; [0424]).

Regarding claim 24, Yuen et al. also disclose the contents of the video media are stored in memory in the form of one or more images taken at intervals and images

which are available for display on screen ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 25, Yuen et al. also disclose each image has an associated sequence of images stored in memory which can be reviewed by a user command ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 26, Yuen et al. also disclose the images comprise a sample of the contents of the video media at periodic intervals of the video medium ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]; [0255]; [0257]).

Regarding claim 27, Yuen et al. also disclose the contents of the memory tape include audio signals ([0163]).

Regarding claim 28, Yuen et al. also disclose the selection provisions allow a user to playback the video starting from the position of any one of the display images ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 29, Yuen et al. also disclose the selection provisions allow the user to mark the displayed images for recording over ([0427]; [0428]).

Regarding claim 30, Yuen et al. also disclose (1) issuing the necessary commands to the video storage media device to enable it to play the associated media, ([0207]; *RAM 33 disclosed in* [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]) (2) reading the video media to determine the content and/or position thereof, ([0207]; *RAM 33 disclosed in* [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]) (3) using content and/or position related information to determine if sufficient room is available for recording the selections, ([0207]; *RAM 33 disclosed in* [0176],

[0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]) (4) using the necessary commands

to cause said video storage media device to record material based on said selections at

a designated position of the media based on calculations of the free space or space

marked for overwriting and wherein the contents and/or position of the video media are

determined from signals present on the video output terminal ([0207]; *RAM 33 disclosed*

in [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 31, Yuen et al. also disclose the contents and/or position related

information is determined by reading data recorded on the tape ([0207]; *RAM 33*

disclosed in [0176], [0523]; [0524]).

Regarding claim 32, Yuen et al. also disclose the contents and/or position related

information is determined by comparing or verifying a relationship between a sequence

of data signals or a data value generated by reading the contents of the tape with a pre-

stored sequence of data signals or data value ([0207]; *RAM 33 disclosed in* [0176];

[0523]; [0524]).

Regarding claim 40, Yuen et al. also disclose a graphical user interface adapted

to display information relating to television program content and/or data content from

other sources such as the Internet and video recorder or other media device content,

wherein selections are made from said television program content and/or data content

from other sources for recording onto video tape or other media whereby calculation of

available free space on said video tape or other media is displayed and whereby if

insufficient space is available for recording original selections may be modified and/or

some or all of the video tape or other media contents may be selected for overwriting

([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540];

[0541]).

Regarding claim 41, Yuen et al. also disclose the graphical user interface is

adapted to display the status of items recorded on video tape or other media as to

whether the recorded item has been viewed ([0207]; *RAM 33 disclosed in* [0176];

[0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 42, Yuen et al. also disclose the graphical user interface is

adapted to display information relating to one or more video tapes or other media

contents, wherein the contents of said video tape or other media is displayed either

graphically or texturally according to the category of the recorded material, said

category could be the type of recorded material or whether the item is suitable for a

particular age of viewer or whether the items have been viewed or any other criteria

([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540];

[0541]; [0622]; [0623]).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hung Q. Dang whose telephone number is (571)270-

1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621